

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GUILLERMO NUNO,

Plaintiff,

v.

D. ESLICK, et al.,

Defendants.

No. 1:21-cv-00769-ADA-SAB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANTS' MOTION TO DISMISS

(ECF Nos. 57, 60, 70)

Plaintiff Guillermo Nuno is a state prisoner proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 25, 2023, the Magistrate Judge issued findings and recommendations, recommending that the Court deny Defendants' motion to dismiss the first amended complaint. (ECF No. 70.) The findings and recommendations contained notice that Defendants had fourteen days within which to file objections. (*Id.* at 12.) That deadline has passed, and Defendants have not filed objections.

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court concludes that the findings and recommendations are supported by the record and proper analysis.

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Accordingly,

1. The findings and recommendations issued on July 25, 2023, (ECF No. 70), are adopted in full;
2. Defendants Eslick and Flores' motion to dismiss, (ECF Nos. 57, 60), is denied;
3. Defendants Eslick and Flores shall file a response to the first amended complaint within **fourteen (14) days** from the date of service of this order; and
4. The matter is referred back to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Dated: August 30, 2023


UNITED STATES DISTRICT JUDGE